

### **REMARKS**

In view of the preceding amendments and the following comments, and pursuant to 37 C.F.R. § 1.111, Applicant respectfully requests reconsideration of the Office Action.

#### **Summary of the Amendment**

The Office Action provided grounds for the rejection of claims 1, 8, 9, 11-19, 22-24, and 32-34. Claims 2-7, 10, 20-21, and 25-31 were previously canceled. Applicant respectfully requests reconsideration of pending claims 1, 8, 9, 11-19, 22-24, and 32-34, and allowance of the present application in view of the following remarks.

#### **Detailed Remarks**

##### **I. Rejections Under 35 U.S.C. § 103(a)**

###### **Claims 1, 8, 9, 11-19, 22-24, and 32-34**

The Office Action asserts rejections of the claims, under 35 U.S.C. 103(a), in view of Ziv-el et al. in view of (U.S. Patent Publication No. 2001/0034016), in view of Mariappan (U.S. Patent Publication No. 2002/0187462), in further view of Mortimer et al. (U.S. Patent No. U.S. 6,091,930), in further view of additional references, as noted below.

- a) The Office Action rejected claims 1, 8-9, and 11, under 35 U.S.C. 103(a) as being unpatentable over Ziv-el, in view of Mariappan, in further view of Mortimer, in view of Aggarwal et al. (U.S. Patent No. 6,381,444), in view of Dowling (U.S. Patent No. 6,845,361), in view of Mercks et al. (U.S. Patent No. 6,384,893), in view of Rosen (U.S. Patent No. 5,836,771), in view of Shende et al. (U.S. Patent No. 6,341,212), in view of Eisendrath et al. (U.S. Patent No. 6,198,904), further in view of Frasson et al. (U.S. Patent No. 6,341,960).
- b) The Office Action rejected claims 17-18, under 35 U.S.C. 103(a) as being unpatentable over Ziv-el, in view of Mariappan, in view of Mortimer, in view of Aggarwal, in view of Rosen, in view of Shende, in view of Eisendrath, in view

- of Frasson, in view of Mercs, further in view of what would have been known to a person skilled in the art.
- c) The Office Action rejected claims 19, 24 and 32-33, under 35 U.S.C. 103(a) as being unpatentable over Ziv-el, in view of Mariappan, in view of Mortimer, in view of Aggarwal in view of Sallette (U.S. Patent No. 6,155,840), in view of Rosen, in view of Shende, in view of Eisendrath, in view of Mercs, and further in view of Frasson.
  - d) The Office Action rejected claim 34, under 35 U.S.C. 103(a) as being unpatentable over Ziv-el, in view of Mariappan, in view of Mortimer, in view of Mercs, and further in view of Eisendrath.
  - e) The Office Action rejected claims 12-14 and 23, under 35 U.S.C. 103(a) as being unpatentable over Ziv-el, in view of Mariappan, in view of Mortimer, in view of Aggarwal, in view of Sallette, in view of Rosen, in view of Shende, in view of Eisendrath, in view of Frasson, in view of Mercs, further in view of Raichur et al. (U.S. Patent Publication No. 2001/0034015).
  - f) The Office Action rejected claims 15 and 22, under 35 U.S.C. 103(a) as being unpatentable over Ziv-el, in view of Mariappan, in view of Mortimer, in view of Aggarwal, in view of Sallette, in view of Rosen, in view of Shende, in view of Eisendrath, in view of Frasson, in view of Mercs, further in view of Barry et al. (U.S. Patent Publication No. 2003/0180700).
  - g) The Office Action rejected claim 16, under 35 U.S.C. 103(a) as being unpatentable over Ziv-el, in view of Mariappan, in view of Mortimer, in view of Aggarwal, in view of Sallette, in view of Rosen, in view of Shende, in view of Eisendrath, in view of Frasson, in view of Mercs, further in view of Goodyear (U.S. Patent No. 6,311,041).

Independent claim 1 recites “the ‘waiting room’ for delayed students (1) being created by parallel, shifted in time running of several similar electronic workshops (21).” The waiting room of parallel, shifted in time running of several similar electronic workshops includes the “several independent parts (A1, B1, B2, B3, B4)” of an electronic workshop. The Office Action, at pages 9 and 22, asserts that the references,

in combination with Mercs, teach or suggest “the ‘waiting room’ for delayed students (1) being created by parallel, shifted in time running of several similar electronic workshops (21).”

1. Office Action Errs in Determining the Scope and Content of Dowling

However, Dowling fails to teach, suggest or disclose a waiting room, as claimed. Dowling, at col. 3, ll. 15-18, indicates that the virtual-wait queue system enables “customers to wait their turn in line for physical access to a resource.” Dowling may at best teach or suggest a waiting room that is based on resource capacity and demand. Dowling describes a serialized, resource capacity-based virtual wait queue where customers are released from the virtual wait queue based on the customers “place-in-line” in relation to other customers in the wait queue and the resource capacity (e.g., the seating capacity of a restaurant) to which the virtual wait queue is directed.

In contrast, claim 1 recites students are “directed first into a ‘waiting room’ and then automatically including them into the participation in the electronic workshops.” All the students in a “waiting room”, as claimed, are automatically included in a workshop at the next available opportunity without regard to resource capacity or resource demand. Thus, Dowling, taken alone or in any combination with the references, cannot be read to teach, suggest, or disclose the “waiting room”, as claimed.

2. Office Action Errs in Determining the Scope and Content of Mercs

However, Mercs, alone or in any combination with any other references, fails to teach, suggest, or disclose the “shifted in time running of several similar electronic workshops”, as claimed. As an initial matter, the Applicant respectfully submits that where the Office Action, at page 23, asserts Mercs, at col. 1, ll. 52-63 and col. 7, ll. 22-32, teaches “to stagger the start times of the same movie at a cinema,” the Examiner errs in determining the scope and content of Mercs. Mercs, as recited in the Abstract of Mercs, is directed to a “system for automating the control of movie display electronics in a cinema.” Mercs, at col. 5, lines 66-67 to col. 6, line 1, discloses “a film identifier, such as the title, is supplied along with the times [a movie] is to be played in a particular project room.” Mercs, at col. 1, ll. 52-63, discloses “control of one or more projection

rooms in a cinema [and] information regarding the movies, start times and film reel content is input to the cinema controller.” Nowhere does Mercs teach, suggest or disclose the shifted in time running of the same movie in multiple projection rooms. Mercs, at col. 7, ll. 22-32, discloses each cinema controller “communicates data collected at a cinema”, “data related to the business and conditions may be collected [and the] data may include status information such as the intended and actual start times and end times of movies playing.” Collecting data about movies playing in a cinema, as disclosed by Mercs, in no way teaches, suggests or discloses “parallel, shifted in time running of several similar electronic workshops”, as claimed. Nowhere does Mercs, or any of the other references, express even the slightest notion of a “shifted in time running of several similar electronic workshops”, as claimed. Thus, independent claim 1 and claims 8, 9, 11-19, 22-24, and 32-34, which depend from claim 1, are patentable over the references.

3. Factual Assertion Not Properly Officially Noticed - Interactive Sessions A1, B1, B2, B3, and B4

Claim 1 further recites “at least one interactive session being ... divided into several independent parts (A1, B1, B2, B3, B4) with the same or different duration.” Claim 1 also recites “in the part (A1) a presentation to the students ..., in the part (B1) – transmitting ... exercises ...; in the part (B2) – checking of the exercise solutions ... and a discussion between the students by means of remote communication means ...; in the part (B3) – summing-up of the issues and exercise solutions ...; and in the part (B4) – a discussion between the students (1) by means of remote communication.” The interactive session, as claimed, is divided into a specific number and order of independent parts (A1, B1, B2, B3, and B4) and each independent part has a specific scope and purpose. The Office Action, at page 5, concedes “that the references do not specifically teach that the workshops are broken into several independent parts.” The Office Action, at pages 5-6, asserts that the Applicant admits that a person skilled in the art would know “to the break up the delivery of a lesson into different parts, and to

assign different times to each part based on the lesson being taught and the audience being lectured.”

As an initial matter, the Applicant in the Response filed on June 17, 2009 respectfully submitted that the technical line of reasoning underlying the Examiner's reasoning to take Official Notice was unclear and the Applicant requested that the Examiner provide documentary evidence to support that a person skilled in the art would have divided an interactive session into the specific number, order and combination of individual parts with the scope and purpose of each part as claimed. Under MPEP 2144.03, where the Applicant has specifically pointed out the supposed errors in the Examiner's action and stated why the noticed fact is not considered to be common knowledge and not well-known in the art, “the Examiner must provide documentary evidence in the next Office Action if the rejection is to be maintained. [And], if the traverse was inadequate, the Examiner should include an explanation as to why [the traverse] was inadequate.” The Examiner has neither provided documentary evidence nor explained why the traverse was inadequate.

Applicant respectfully requests the Examiner to provide documentary evidence showing that a person skilled in the art would have divided an interactive session into the specific number, order and combination of individual parts with the scope and purpose of each part, as recited by claim 1. Notwithstanding, none of the references, taken alone or in any combination, teach, suggest, or disclose an interactive session divided into several independent parts (A1, B1, B2, B3, B4), as claimed. Thus, claim 1 is patentable over the references, taken alone or in any combination. For at least the same reasons as above regarding claim 1, dependent claims 8, 9, 11-19, 22-24, and 32-34, which depend from claim 1, are also patentable over the references.

#### 4. Office Action Errs in Determining the Scope and Content of Mariappan

Claim 1 recites “activating electronic consultations (22) between the students (1) and the lecturers (4), following the termination of each interactive session of the electronic workshops (22).” The Office Action, at pages 5 and 23, asserts that Mariappan teaches “activating electronic consultations”, as claimed.

However, Mariappan, alone or in combination with the references, does not teach, suggest, or disclose activating electronic consultations between the students and the lecturers, as claimed. As an initial matter, the Applicant respectfully submits that where the Office Action, at page 23, asserts “anyone that would be able to help the student with their problem would, in essence be a teacher to the student,” the Examiner errs in determining the scope and content of Mariappan. Mariappan, at ¶¶ 0007 and 0039, discloses “a further object of the invention to save instructors and teachers time by allowing them to assign homework and practice exams online,” and where “an answer to a student's question is unavailable, he can submit his own question, which is sent as an email to trained personnel, who respond directly to an email address provided by the student.” Mariappan not only distinguishes teachers from trained personnel, nowhere does Mariappan teach or suggest that the trained personnel described therein include instructors and/or teachers. Furthermore, trained personnel as disclosed by Mariappan would, in contrast to the Examiner's assertion, exclude just ‘anyone’. Mariappan may at best teach or suggest an electronic consultation between a student and trained personnel who are neither teachers nor lecturers. Moreover, the Applicant respectfully submits that the Examiner's assertion that “anyone ... would, in essence be a teacher to the student” is not based upon the prior art nor common knowledge, and therefore, the Applicant respectfully requests the Examiner provide documentary evidence to support the Examiner's assertion. Notwithstanding, Mariappan cannot be read to teach, suggest, or disclose activating electronic consultations between the students and the lecturers following the termination of each interactive session of the electronic workshops, as claimed, and the technical line of reasoning underlying the Examiner's assertion is clearly erroneous. Thus, claim 1 and claims 8, 9, 11-19, 22-24, and 32-34, which depend from claim 1, are patentable over the references taken alone or in any combination.

5. An Interface with an Information Window, an Action Window and a Dialogue Window

Claim 1 recites “e) ... an interface (40) including three main windows: an information window (41) in which all complementary information relating to the material discussed is presented, an action window (42) in which an educational material concerning the issues discussed by the lecturer (4) is presented, and a dialogue window (43) in which the syllabus (31), an index of key notions, definitions and formulas, a calculator, the electronic textbook (33) as well as the chat and the e-mail are presented, and tool bars (44 and 45).” The three main windows separate information in order to facilitate a user’s viewing and interaction with the information within each window. The Office Action, at page 9, asserts that Rosen, Shende, Esendrath, and Frasson, in combination with the other references, teach or suggest the three main windows, as claimed.

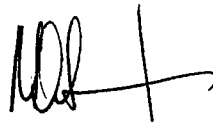
However, the references, taken alone or in any combination, do not teach suggest or disclose an interface including three main windows, including an information window, an action window and a dialogue window. The Office Action, at page 9, asserts that although “none of the cited references specifically teach the name of the specific window in which information is presented, the name of the window does not affect the presentation of the material in the window.” The Office Action, at pages 9-10, asserts that “the recitation of which window the information is displayed in is interpreted as non-functional descriptive material that fails to further patentably [sic] limit the claim.” However, the Applicant respectfully submits the claim recites “a method of distance learning” and the three main windows. The three main windows of the user interface, as claimed, separate information in order to facilitate a student’s ability to view and interact with the information within each window, and therefore these features are functional. None of the references, taken alone or in combination teach, suggest or disclose the three main windows, as claimed. Thus, claim 1 and claims 8, 9, 11-19, 22-24, and 32-34, which depend from claim 1, are patentable over the references taken alone or in any combination.

## Conclusion

In view of the above remarks, Applicant respectfully submits that this Application is in condition for allowance and such action is earnestly requested. If for any reason the Application is not allowable, the Examiner is requested to contact the Applicant's undersigned attorney at the phone number listed below.

**BRINKS**  
**HOFER**  
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